

1. This is and ERISA trust fund case seeking delinquent contributions, interest, liquidated damages, dues check-off and attorney fees.
2. On February 14, 2013 this Court entered an Order of Default against the Defendant for its failure to answer to the complaint. (Exhibit A)
3. The Order of Default directed the Defendant, among other things, to submit reports and contributions. The Court retained jurisdiction to enter a final judgment for the contributions and dues checkoff shown to be owed by way of an estimate or otherwise, including interest, liquidated damages and attorney fees pursuant to the trust agreements and ERISA Section 1132(g)(2). (Exhibit A)
4. After the lawsuit was filed, the Defendant submitted the monthly contribution reports and contributions through January 2013 but failed to pay the liquidated damages and attorney fees. (Exhibit B, affidavit of John Libby)

5. The Defendant owes liquidated damages in the amount of \$8,768.15 for the period September 2011 through January 2013 pursuant to the Collective Bargaining Agreements, the Trust Agreements and 29 U.S.C. §1132(g)(2)(C)(ii). (Exhibit B)

6. The Defendant owes the sum of \$3,475.25 for necessary and reasonable attorney fees and costs of \$405.00 which are collectible under the terms of the Collective Bargaining Agreement, the Trust Agreements and 29 U.S.C. §1132(g)(2)(D). (Exhibit C, affidavit of Daniel P. McAnally)

WHEREFORE, Plaintiffs pray that their motion for entry of judgment be granted in the amount of **\$12,648.50**.

Respectively submitted,

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